



BPW/B

Practitioner's Docket No. 2960/116

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Berez et al.

Application No.: 10/724,010

Group No.: 3733

Filed: November 25, 2003

Examiner: Philogene, Pedro

For: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy,  
Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT COLOR DRAWING  
(37 C.F.R. § 1.84(a)(2))**

1. This petition is for the acceptance of color drawings (37 C.F.R. § 1.84(a)(2)).
2. Attached hereto are three (3) sets of color drawings.
3. The specification does not need to be amended since color drawings were originally specified.
4. The reason for the need for color drawings or photographs in this application is as follows:  
Color drawings were originally specified in the specification.
5. The petition fee required to waive the requirements of § 1.84 (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: March 13, 2007

Alexander J. Smolenski  
Registration No. 47,953  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
617-443-9292  
Customer No. 002101

02960/00116 633190.1

03/15/2007 HNGUYEN2 00000050 194972 10724010

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**Mail Stop Issue Fee**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria VA 22313-1450**

## RESPONSE TO "NOTICE TO FILE CORRECTED APPLICATION PAPERS"

1. A copy of the "NOTICE TO FILE CORRECTED APPLICATION PAPERS" mailed for this application on February 14, 2007 is attached.
2. In response to the requirements of the NOTICE applicant submits herewith a Petition to Accept Color drawings, including substitute drawings referenced therein. Thirty-six (36) sheets of drawings, including color drawings, are enclosed. A total of three copy sets of the drawings are included.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

## 37 C.F.R. § 1.8(a)

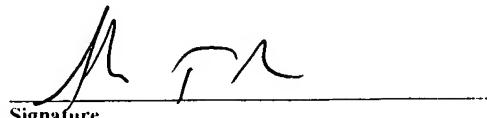
with sufficient postage as first class mail.

## 37 C.F.R. § 1.10\*

as "Express Mail Post Office to Addressee"  
 Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office. (571) 273 - 8300.

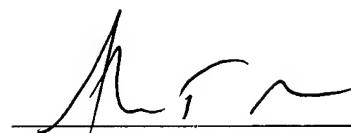


Date: March 13, 2007

Alexander J. Smolenski, Jr.  
 (type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Date: March 13, 2007



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Alexander J. Smolenski, Jr.  
Registration No. 47,953  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
617-443-9292  
Customer No. 002101

02960/00116 633193.1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,010	11/25/2003	Aaron Berez	2960/116	7525

2101 7590 02/14/2007  
BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
BOSTON, MA 02110-1618

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Bromberg & Sunstein, LLP

EXAMINER

PHILOGENE, PEDRO

ART UNIT

PAPER NUMBER

3733

MAIL DATE

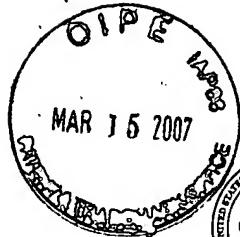
DELIVERY MODE

02/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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FEb 16 2007

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Serial No. : 10724010  
Applicant : Berez  
Filing Date : 11/25/03  
Date Mailed : 2/14/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Notice of Allowance Mailed*

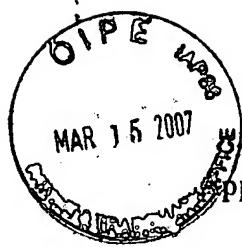
This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice MUST be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

Don Fairchild  
Office of Patent Publication  
Phone: 703-308-9250, ext. 126



Application No. 10724010 Drawings filed 7/15/04

### IDENTIFICATION OF DRAWING DEFICIENCIES

- There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- An ink stamp or an image obscures part of the illustration. FIG(s) \_\_\_\_\_
- The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- Figure numbers are duplicated or missing. FIG(s) \_\_\_\_\_
- Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) \_\_\_\_\_
- The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) \_\_\_\_\_
- The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met\*:
  - Petition filed
  - Petition fee
  - 3 sets of color drawings
  - Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: Color dwg. paragraph is present → p. 19